

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CHARLES RICE KENDALL and
ANN P. HOCHBERG, as Trustees for
The Thomas E. Proctor Heirs Trust,**

Plaintiffs,

V.

**EQT AMD LLC, EQT ARO LLC,
INTERNATIONAL DEVELOPMENT
CORP., and SWN PRODUCTION
COMPANY, LLC,**

Defendants.

NO. 21-CV-01491

CHIEF JUDGE BRANN

ELECTRONICALLY FILED

NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Middle District Local Rule 7.36, Defendants EQT AMD LLC and EQT ARO LLC provide notice of the Order of the United States Court of Appeals for the Third Circuit in *Pennsylvania Game Comm’n v. Thomas E. Proctor Heirs Trust*, No. 22-1587 (3d Cir. May 1, 2023) (attached as Exhibit “A”), granting a Joint Motion by the Game Commission and Proctor Heirs Trust (attached as Exhibit “B” and predicated on considerations of judicial efficiency), vacating a stay of that

appeal, and committing to certify a question of state law to the Supreme Court of Pennsylvania.

Respectfully submitted,

/s/ John B. Dempsey

Daniel T. Brier

John B. Dempsey

Richard L. Armezzani

Myers, Brier & Kelly, LLC

425 Biden Street, Suite 200

Scranton, PA 18503

(570) 342-6100

Daniel T. Donovan

Ragan Naresh

James Yates

Kirkland & Ellis, LLP

1301 Pennsylvania Avenue NW

Washington, DC 20004

(202) 389-5000

Attorneys for Defendants, EQT AMD LLC
AND EQT ARO LLC

Dated: May 15, 2023

CERTIFICATE OF SERVICE

I, John B. Dempsey, hereby certify that a true and correct copy of the foregoing Notice of Supplemental Authority was served upon the following counsel of record via the Court's ECF system on this 15th day of May 2023:

Laura A. Lange, Esquire
1670 Sturbridge Drive
Sewickley, PA 15143

Justin G. Weber, Esquire
Troutman Pepper Hamilton Sanders LLP
100 Market Street, Suite 200
Harrisburg, PA 17108

Robert J. Burnett, Esquire
Brendan A. O'Donnell, Esquire
Houston Harbaugh, PC
401 Liberty Avenue
Three Gateway Center, 22nd Floor
Pittsburgh, PA 15101

David R. Fine, Esquire
Thomas R. DeCesar
K&L Gates LLP
Market Square Plaza
17 N. Second Street, 18th Floor
Harrisburg, PA 17101

/s/ John B. Dempsey
John B. Dempsey